

REMARKS

In paragraph 2 of the Office Action, claims 14 and 15 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

Reconsideration is requested in view of this Amendment.

Claims 13 to 15 have been canceled and new claims 16-18 have been added to point out the invention. The term "bi-injection" has been deleted and the injection of two different materials has been adopted in new claim 17 based on the specification at page 6, lines 30-33 to page 7, lines 1-2. This is a clear disclosure that two materials may be injected to form the integral gasket.

New claim 16 points out that the container body comprises an annular gasket, made of a material different from that forming the container body and covering element, which annular gasket is also an integral part of the covering element and can tightly enter or engage the top open mouth of the container body to tightly close the container.

Claims 13-15 were rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

Reconsideration is requested.

New claim 16 is an article claim and claims 17-18 are method claims. As such, they are free of the prior rejection that the claims did not structurally limit the article claims. For this reason, it is requested that this ground of rejection be withdrawn.

Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mueller in view of Weiler et al. (Weiler) and Oglesbee et al. (Oglesbee)

Reconsideration is requested.

Weiler teaches providing a sealing arrangement with a closure cap which comprises a flat disc 11, a rubber stopper

12 or a conical seal. However, these sealing arrangements are not formed integrally with the underside of the cover element and, moreover, they are not disclosed as made of material that is different from the material forming the container body.

Oglesbee teaches that a cap may be made by the technique of molding by co-injection or two-shot, bi-injection molding. A gasket 110 is molded into the cap body". However, the gasket 110 does not have the structure of an annular gasket but is a sheet or plate-like gasket that must be perforated to access the contents of the container. The integral gasket of the present invention, as pointed out in new claim 16, is an annular gasket that tightly engages the top open mouth of the container and extends from the under surface of the covering element. It is not formed on the covering element as taught by Oglesbee.


Further, the containers taught by Weiler and Oglesbee are not the type of the container pointed out in new claim 16. Weiler and Oglesbee disclose caps for containers which cannot be opened or closed by a swinging movement. Only the container taught by Mueller can be opened and closed by a swinging movement. It is respectfully submitted that the teachings of the two newly cited patents are not combinable with the teachings of Mueller since Weiler would provide Mueller's cover with a removable gasket and Oglesbee would provide the Mueller's cover element with a co-molded sheet gasket extending through the overall extension of the bottom face of the cover. This gasket must be perforated in order to allow access to the contents of the container.

For these reasons, it is believed that new claim 16 is patentable over the prior art patents when they are considered either individually or in combination. Novel method claims 17 and 18 are also patentable for the same reasons.

In view of the foregoing it is requested that this ground of rejection be withdrawn.

An early and favorable action is earnestly solicited.

Respectfully submitted,



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